



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors:

Robert-Jan Enzerink et al.

Serial No. 09/461,829

Filed: December 15, 1999

For: GRAFT MATERIAL CONVENIENCE PACKAGE

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FEB 03 2004

Art Unit: 3738 OFFICE OF PETITIONS

Examiner: Brian Pellegrino

**RENEWED PETITION TO REVIVE AN APPLICATION ABANDONED
UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)**

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Sir:

Applicants respectfully request reconsideration of the decision to dismiss the petition under 37 C.F.R. 1.137(b), filed November 17, 2003, to revive the referenced application and rescind the Notice of Abandonment mailed June 30, 2003. The decision on the petition indicated that the petition filed November 17, 2003 was not granted because it lacked the required reply. The decision further identified that the reply must include a Notice of Appeal with the fee, an amendment that prima facie places the application in condition for allowance, or the filing of a continuing application.

Applicants respectfully renew their petition to revive the above-captioned application abandoned unintentionally under 37 CFR 1.137(b). Applicants file concurrently herewith a Request for Continued Examination with the appropriate fee. Moreover, Applicants note that the above-captioned application became abandoned for failure to timely respond to the Advisory Action mailed on January 13, 2003 within the time period from the final Office Action mailed October 30, 2002. During the time period in which the response was due, Applicants' in-house patent counsel was terminated and a new search for counsel to handle all patent matters was undertaken. The undersigned was subsequently retained by the Applicants and, during an IP

Application No. 09/461,829

Docket No. 105916.163

audit of Applicants' patent files, the fact that no response was timely filed was confirmed. Subsequently, Applicants filed a petition to revive the application on November 17, 2003. Applicants believed the original petition to be grantable because it was believed that the proposed reply placed the application in condition for allowance. On January 20, 2004, the undersigned received the decision on the petition mailed January 16, 2004.

Applicants respectfully submit that the delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. 1.137(b) was unintentional. Applicants enclose the necessary Request for Continued Examination and accompanying Amendment. Applicants respectfully request revival of the referenced application.

Applicants do not believe that any other fees are due for the filing of this Renewed Petition. However, to the extent that any such fees are due, the Commissioner is hereby authorized to charge such fees or credit any overpayment to Deposit Account No. 08-0219. Moreover, Applicants do not believe that a petition for extension of time is necessary, however, if such a petition is necessary, Applicants hereby petition for an extension of time necessary to maintain the pendency of the application.

Respectfully Submitted,

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Date: 28 January 2004